

ORIGINAL

FENNEMORE CRAIG, P.C.

Phoenix, Arizona 85012-2913 (602) 916-5000

2006 MAY 26 P 4: 43

Patrick J. Black Direct Phone: (602) 916-5400 Direct Fax: (602) 916-5600 pblack@fclaw.com

AZ CORP COMMISSION DOCUMENT CONTROL

Law Offices

Phoenix (602) 916-5000 Tucson (520) 879-6800 Nogales (520) 761-4215 Lincoln (402) 323-6200

May 26, 2006

BY HAND DELIVERY

Blessing Chuckwu, Executive Consultant III Utilities Division Arizona Corporation Commission 1200 W. Washington Street Phoenix, Arizona 85007

Re:

New River Utility Company - Application for Extension of its Certificate of Convenience and Necessity (CC&N) Docket No. W-01737A-06-0171

Dear Ms. Chuckwu:

I am in receipt of your Letter of Insufficiency dated April 11, 2006, in the above-captioned matter. Please accept this correspondence and the enclosed documents as New River Utility Company's ("New River") response to the specific issues raised in your letter.

1. According to the Utilities Division's Compliance Database, the Company is not in compliance with Commission Decision No. 67440, issued in W-01737A-04-0502. Pursuant to Decision No. 67440, please provide a copy of the Approval to Construct and the Certificate of Assured Water Supply for Cody Farms, Inc. development.

RESPONSE: New River has previously provided the Arizona Corporation Commission ("Commission") the necessary information and documents required by Decision No. 67440. This compliance filing is attached hereto as **Attachment 1**. Cody Farms is a part of a larger area known as Fletcher Farms.

2. Based on the V3/Landmark Engineering, Inc. Engineering Report ("Engineering Report"), dated January 2006, fire pump(s) is (are) required. However, Exhibit D, Estimate Cost for Facilities ("Exhibit D") excludes the pump(s). Please clarify if the Arrowhead Ranch Industrial Park (only customer in the requested area) will pay for and operate the pump.

RESPONSE: On April 11, 2006, engineers from V3/Landmark Engineering, Inc. made a formal request to the Planning Department for the City of Peoria for a 50% reduction in fire flow requirements to serve the development. This formal request was made after discussions

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between V3/Landmark Engineering and the Planning Department resulted in an agreement to reduce fire flow requirements by 50%, provided that New River provide sufficient pressure to accommodate the reduced requirement. Pursuant to its Operating Agreement with the City of Peoria (Exhibit 8 of Application), New River is required to adhere to all City regulations and ordinances in the provision of water utility service to customers located within the City of Peoria. If the request is granted, then no fire pump will be needed. If the request is denied, the developer will pay for and install the fire pump, which will automatically provide pressure needed in situations where such emergency fire flow is needed.

3. In the summary and conclusions of the Engineering Report, it states that the City of Peoria will review and approve the water distribution system improvement plans. Please clarify if the Maricopa County Environmental Services Department still will approve this engineering plan.

RESPONSE: Yes, the Maricopa County Environmental Services Department ("MCESD") will need to approve the engineering plans and issue all relevant Approvals to Construct.

4. The City of Peoria has classified the building usage within this project site as hazardous. Please explain why there is no "backflow prevention" device in Exhibit D.

RESPONSE: This project site utilizes a public water line loop through the site connections made at 78th Ave and 77th Ave. The fire line to the buildings are connected to this public water line and the backflow preventors are *installed inside the building* on the fire riser for the building sprinkler system. Due to the site plan layout of these buildings, there is no appropriate location for the backflow preventors outside of the buildings. *See* Attachment 2, attached hereto. In working on the conceptual utility layout with the City of Peoria, Architect Maher Hazine suggested the solution of locating the backflow preventor on the fire riser for the building sprinkler system. Mr. Maher also stated this is a common solution and eliminates duplication between the site fire line system and the building fire sprinkler system. Therefore, the backflow prevention devices are installed inside the building by design.

5. Please indicated who will be providing wastewater service in the proposed extension.

RESPONSE: The City of Peoria will be providing wastewater service to the development.

6. According to the October 6, 2005 letter from Fennemore Craig to Rencor Development (customer in the request area), the engineering plans and specifications will be submitted to the Maricopa County Environmental Services Department and the Arizona

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Blessing Chuckwu, Executive Consultant III May 26, 2006 Page 3

Department of Environmental Quality for review and approval. Please explain why both agencies will be reviewing the engineering plan.

RESPONSE: The October 6, 2005 letter to Rencor Development was slightly in error. The engineering plans and specifications were submitted to the City of Peoria for approval, and MCESD for an Approval to Construct. The plans and specifications will not be reviewed by the Arizona Department of Environmental Quality ("ADEQ").

7. The gallons of water pumped for December 2004 in Exhibit D (Water Use Data Sheet) is not consistent with the 2004 Annual Report attached to the application. Please explain the discrepancy and clarify for Utilities Division Staff ("Staff") which should be used for its review.

RESPONSE: The gallons of water pumped for December 2004 should have read 42,686,000, not 29,812,000, which was the gallons of water sold.

8. The well information in the Water Use Data Sheet indicated that well #55-616948 has a capacity of 12,750 gallons per minute ("GPM"). This appears to be a typographical error. Please provide the correct information for Staff's review.

RESPONSE: Well #55-616948 has a capacity of 1,275 gallons per minute.

9. According to ADWR database, well #55-8054372 does not exist. There appears to be a typographical error. Please provide staff with the correct well identification information.

RESPONSE: The proper Well Identification Number is #55-805437.

10. The Company has indicated that two wells (Wells #s 55-616945 & 55-616948) exceed the new arsenic standard. Please update staff of the status of Company's arsenic remediation plans.

RESPONSE: New River continues to negotiate with the City of Glendale for the purchase of 300 acre-feet of treated Central Arizona Project water to blend with water produced from wells with water that may exceed the MCL for arsenic. *See* Response to Issue No. 11, below. If efforts are still unsuccessful, New River will conduct a study to determine how best to achieve blending through the construction and drilling of a new well site. However, recent tests demonstrate that the water produced by New River's wells do not exceed the MCL for arsenic.

11. The Company failed to provide information regarding the level of arsenic in Well #s 55-616946 & 55-616947 in its latest annual report. Please provide this information.

RESPONSE: Well # 55-616947 is not being used. New River does not have current information specific to Well No. 55-616946. This is because MCESD now allows testing at

FENNEMORE CRAIG, P.C.

Blessing Chuckwu, Executive Consultant III May 26, 2006 Page 4

different points of entry ("POE"). Attached hereto at **Attachment 3** are two Drinking Water Inorganic Chemical Analysis Reports, one for each different POE on New River's system. The results of both laboratory analyses illustrate that water at each of the POEs does not exceed the MCL for arsenic.

12. Please provide a copy of the Arizona Department of Environmental Quality's Approval to Construct the water facilities to serve the proposed extension area. If the Approval to Construct has not been issued, please inform Staff of the status of the application for the Approval to Construct.

RESPONSE: The Arizona Department of Environmental Quality will not be the agency issuing the Approval to Construct. *See* response to Question No. 3 above. MCESD's Approval to Construct the water facilities to serve the proposed extension area is attached hereto at **Attachment 4**.

13. Please provide a copy of the Arizona Department of Water Resources ("ADWR") Designation of Assured Water Supply or Certificate of Assured Water Supply for the CC&N area requested. If none of these are available, please provide a copy the ADWR's Physical Availability Determination. If a determination of Assured Water Supply has not been obtained from ADWR, please inform Staff of the status of the application for that determination.

RESPONSE: Attached hereto as **Attachment 5** is the Certificate of Assured Water Supply that covers the area to be included in New River's CC&N.

14. Please provide the Company's 2005 financial statements.

RESPONSE: A copy of New River's 2005 financial statement from its 2005 Annual Report is attached hereto as **Attachment 6**.

Should you have any further questions, please do not hesitate to call. Thank you for your time and assistance in this matter.

Sincerely,

Patrick J. Black

Enclosures

cc: Docket Control (w/encl.)

1789554.1/69300.024

RECEIVED

1	FENNEMORE CRAIG A Professional Corporation 2006 APR 13 P 1: 33
2	Jay I. Shapiro (No. 014650)
	Patrick J. Black (No. 017141) AZ CURP CUMMISSION
3	
4	Suite 2600 Phoenix, Arizona 85012 Telephone (602) 916-5000
5	And the state of t
6	Attorneys for New River Utility Company
7	BEFORE THE ARIZONA CORPORATION COMMISSION
8	IN THE MATTER OF THE APPLICATION DOCKET NO. W-01737A -04-0502 OF NEW RIVER UTILITY COMPANY FOR
9	AN EXTENSION OF ITS EXISTING NOTICE OF COMPLIANCE WITH CERTIFICATE OF CONVENIENCE AND DECISION NO. 67440
10	NECESSITY IN MARICOPA COUNTY, ARIZONA
11	
12	New River Utility Company hereby files the following documents in this matter, as
13	required by Decision No. 67440 (December 3, 2004):
14	1. Approval to Construct for Fletcher Farms, Inc.; and
15	2. A Certificate of Assured Water Supply for Fletcher Farms;
16	RESPECTFULLY SUBMITTED this 13th day of April, 2006.
17	
18	FENNEMORE CRAIG, P.C.
19	By: +031
20	Jay L. Shapiro Patrick J. Black
21	Attorneys for New River Utility Company
22	ORIGINAL and 13 copies delivered this
23	13th_day of April, 2006, to:
24	Docket Control Arizona Corporation Commission
25	1200 West Washington Street Phoenix, Arizona 85007
26	

FENNEMORE CRAIG
ROFESSIONAL CORPORATION
PHOENIX

1	A copy hand-delivered this 13th day of April, 2006, to:
2 3 4	Blessing Chukwu, Compliance Division Utilities Division Arizona Corporation Commission 1200 West Washington Phoenix, Arizona 85007
5	Brian Bozzo, Compliance Utilities Division
6	Arizona Corporation Commission
7	1200 West Washington Phoenix, Arizona 85007
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10	By:
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EXHIBIT

1

ENVIRONMENTAL STRVICES OCPARTMENT 1001 N. Central, Ste 150 Phoenix, AZ 85004-1940



Division of Water und Waste Management Subdivision Infrestructure & Planning Program (602) 506-6875 FAX (602) 508-5813 (TTN) (602) 606-6704

Approval Date: 1/2.7/09

MCESD Project: No. 047137 PWS SYSTEM No. 0407051

CERTIFICATE OF APPROVAL TO CONSTRUCT (WITH STIPULATIONS) PUBLIC WATER SYSTEM EXTENSION

PROJECT DESCRIPTION: Fletcher Farms - potable water distribution system of approximately 8800 linear feet and associated appurtenances with a point of connection to the New River Utility Company water system.

LOCATION: City of Peorla, Maricopa County

Section 23, T4N, R1E

PROJECT OWNER:

Darin Rowe, Vice President

Richmond American Homes of Arizona 3200 E. Camelback Road, Suite 300

Phoenix, AZ 85018

Pursuant to Arizona Administrative Code (AAC) Title 18: Chapters 4 and 5 and the Maricopa County Environmental Health Code: Chapters IV and V.

Approval to construct the above described facilities as represented in the approved plan documents on file with the Maricopa County Environmental Services Department is hereby given subject to the following stipulations: NONE

Operation of this public water system project shall not begin until an Approval of Construction is issued by Maricopa County Environmental Services Department.

WATER AND WASTE MANAGEMENT DIVISION

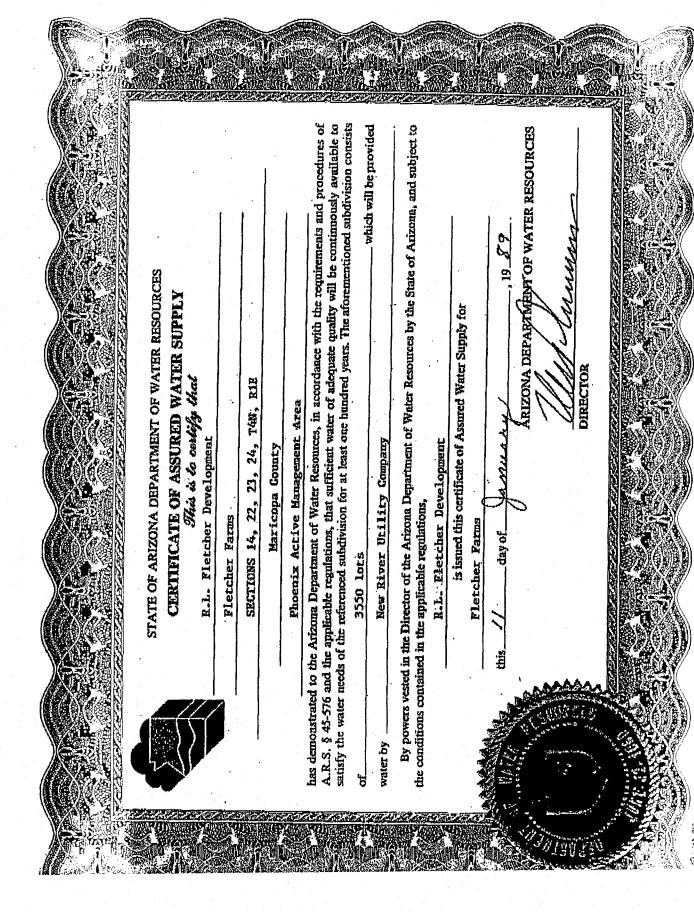
Steven G. Borst, PE. Program Manager

Subdivision Infrastructure & Planning Program

From the approval date nated above this certificate will expire if construction has not commenced within one year, there is a half in construction of more than one year or construction is not completed within three years.

EXHIBIT

2



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3

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Aerotech Environmental Laboratories n division of Aerotech Laboratories, Inc.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY DRINKING WATER INORGANIC CHEMICAL ANALYSIS REPORT "SAMPLES TO BE TAKEN AT POE ONLY "

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ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY DRINKING WATER INORGANIC CHEMICAL ANALYSIS REPORT

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ENVIRONMENTAL SERVICES DEPARTMENT 1001 N. Central, Ste 150 Phoenix, AZ 85004-1940



Division of Water and Waste Management Subdivision Infrastructure & Planning Program (602) 506-6675 FAX (602) 506-5813

Approval Date: 5/12/00

MCESD Project: No. 062258 PWS SYSTEM No. 0407051

CERTIFICATE OF APPROVAL TO CONSTRUCT (WITH STIPULATIONS) PUBLIC WATER SYSTEM EXTENSION

PROJECT DESCRIPTION: Arrowhead Ranch Industrial Park Phase 1 - potable water distribution system of approximately 1566 linear feet and associated appurtenances with a point of connection to the City of Peeria water system.

LOCATION: City of Peoria, Maricopa County Section 23, T4N, R1E

PROJECT OWNER:

Marshall Reynolds

Arrowhead Ranch Industrial Park, LLC 5013 E. Washington Street Suite 100

Phoenix, AZ 85034

Pursuant to Arizona Administrative Code (AAC) Title 18: Chapters 4 and 5 and the Maricopa County Environmental Health Code: Chapters IV and V.

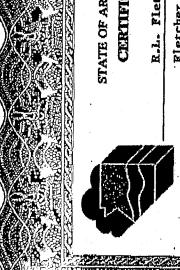
Approval to construct the above described facilities as represented in the approved plan documents on file with the Maricopa County Environmental Services Department is hereby given subject to the following stipulations: NONE

Operation of this public water system project shall not begin until an Approval of Construction is issued by Maricopa County Environmental Services Department.

WATER AND WASTE MANAGEMENT DIVISION

Subdivision Infrastructure & Planning Program

From the approval date noted above this certificate will expire if construction has not commenced within one year, there is a halt in construction of more than one year or construction is not completed within three years.



STATE OF ARIZONA DEPARTMENT OF WATER RESOURCES

CERTIFICATE OF ASSURED WATER SUPPLY This is to corligg that

R.L. Fletcher Development

Fletcher Farms

SECTIONS 14, 22, 23, 24, T4N, RIE

Maricopa County

Phoenix Active Hanagement Area

satisfy the water needs of the referenced subdivision for at least one hundred years. The aforementioned subdivision consists A.R.S. § 45-576 and the applicable regulations, that sufficient water of adequate quality will be continuously available to has demonstrated to the Arizona Department of Water Resources, in accordance with the requirements and procedures of

3550 Lots

New River Utility Company water by

which will be provided

By powers vested in the Director of the Arizona Department of Water Resources by the State of Arizona, and subject to the conditions contained in the applicable regulations,

R.L. Eletcher Development

is issued this certificate of Assured Water Supply for

Fletcher Parms

day of

RIZONA DEPARAMENTOF WATER RESOURCES

DIRECTOR

ARIZONA CORPORATION COMMISSION UTILITIES DIVISION

ANNUAL REPORT MAILING LABEL - MAKE CHANGES AS NECESSARY



W-01737A New River Utilities Company 7839 W Deer Valley Rd Peoria, AZ 85382

ANNUAL REPORT

RECEIVED

APR 1 9 2006

FOR YEAR ENDING Z Corporation Commission Director of Utilities

12 31 2005

FOR COMMISSION USE

ANN04 05

entered 4.28.06

New River Utility Company

CALCULATION OF DEPRECIATION EXPENSE FOR CURRENT YEAR

Acct. No.	DESCRIPTION	Original Cost (1)	Depreciation Percentage (2)	Depreciation Expense (1x2)
301	Organization			
302	Franchises			
303	Land and Land Rights	801181		
304	Structures and Improvements	84,633	3.33	2818
307	Wells and Springs	795,621	3.73	26,474
311	Pumping Equipment	910,826	12.5	112,505
320	Water Treatment Equipment			
330	Distribution Reservoirs and Standpipes	1,046,963	2.22	23,243
331	Transmission and Distribution Mains	1,304,743	2,00	26,095
333	Services	236,325	<u>3</u> . 33	7,870
334	Meters and Meter Installations	110,130	8.33	9,174
335	Hydrants	193,193	2.00	3,864
336	Backflow Prevention Devices	·		
339	Other Plant and Misc. Equipment			
340	Office Furniture and Equipment	21,198	6.67	1,414
341	Transportation Equipment			
343	Tools, Shop and Garage Equipment			
344	Laboratory Equipment			
345	Power Operated Equipment	83,025	5,60	275
346	Communication Equipment			
347	Miscellaneous Equipment		-	
348	Other Tangible Plant	114,145	20.00	22, 829
	TOTALS	4989 383		239,036

This amount goes on the Comparative Statement of Income and Expense _____ Acct. No. 403.

New River Utility Company BALANCE SHEET

Acct .No.			BALANCE AT BEGINNING OF	F	BALANCE AT END OF
	ASSETS		YEAR	<u> </u>	YEAR
		_		↓	
	CURRENT AND ACCRUED ASSETS			<u> </u>	
131	Cash	\$	253,770	5	229,887
134	Working Funds				
135	Temporary Cash Investments				
141	Customer Accounts Receivable				
146	Notes/Receivables from Associated Companies				
151	Plant Material and Supplies				
162	Prepayments				
174	Miscellaneous Current and Accrued Assets		· · · · · · · · · · · · · · · · · · ·	L	
	TOTAL CURRENT AND ACCRUED ASSETS	\$	253,770	\$	224,887
	FIXED ASSETS				
101	Utility Plant in Service	\$	4897,801	\$	4,980,383
103	Property Held for Future Use				
105	Construction Work in Progress				
108	Accumulated Depreciation - Utility Plant		1,095,585		1,334,621
121	Non-Utility Property				
122	Accumulated Depreciation - Non Utility				
	TOTAL FIXED ASSETS	\$	3,802,216	S	3,645,762
	TOTAL ASSETS	\$	4,055,986	\$	3,875,649

NOTE: The Assets on this page should be equal to Total Liabilities and Capital on the following page.

New River Utility Company

BALANCE SHEET (CONTINUED)

Acet. No.		BALANCE AT BEGINNING OF	BALANCE AT END OF
140.	LIABILITIES	YEAR	YEAR
	CURRENT LIABILITES		
231	Accounts Payable	\$ 57,070	\$ 75.847
232	Notes Payable (Current Portion)		
234	Notes/Accounts Payable to Associated Companies		
235	Customer Deposits	23,506	37,986
236	Accrued Taxes		
237	Accrued Interest		
241	Miscellaneous Current and Accrued Liabilities		
	TOTAL CURRENT LIABILITIES	\$ 80,576	\$ 113,833
	LONG-TERM DEBT (Over 12 Months)		
224	Long-Term Notes and Bonds	\$	\$
	DEFERRED CREDITS		
251	Unamortized Premium on Debt	\$	\$
252	Advances in Aid of Construction	3,185,308	
255	Accumulated Deferred Investment Tax Credits		
271	Contributions in Aid of Construction		
272	Less: Amortization of Contributions		
281	Accumulated Deferred Income Tax		
	TOTAL DEFERRED CREDITS	\$	\$
	TOTAL LIABILITIES	\$ 3,265,884	\$ 113,833
	CAPITAL ACCOUNTS		
201	Common Stock Issued	\$ 100	\$ 100
211	Paid in Capital in Excess of Par Value	978,819	3.854774
215	Retained Earnings	(188, 817)	< 89,0587
218	Proprietary Capital (Sole Props and Partnerships)		
	TOTAL CAPITAL	\$ 790,102	\$ 3,74,816
	TOTAL LIABILITIES AND CAPITAL	\$ 4,055,986	\$ 3,875,64

New River Utility Company

COMPARATIVE STATEMENT OF INCOME AND EXPENSE

Acct. No.	OPERATING REVENUES		PRIOR YEAR	CUF	LRENT YEAR
461	Metered Water Revenue	\$	1,225,554	\$ 1	7267,804
460	Unmetered Water Revenue	_	7,620	-	<u> </u>
474	Other Water Revenues		3,548		664
	TOTAL REVENUES	S	1,236,692	\$	1 268,468
	OPERATING EXPENSES	-		+	
601	Salaries and Wages	5	473,454	\$	468,146
610	Purchased Water	- ` -		1	
615	Purchased Power		112,874	1	128,444
618	Chemicals		2,750		2,170
620	Repairs and Maintonance		73.532	-	78.143
621	Office Supplies and Expense	 	25,420	1	28.074
630	Outside Services		58,203		40,046
635	Water Testing		24,941		25,429
641	Rents		30,000	1	30,000
650	Transportation Expenses				12,473
657	Insurance - General Liability		24,036		22,237
659	Insurance - Health and Life				
666	Regulatory Commission Expense - Rate Case		7,607		
675	Miscellaneous Expense		9,046		9.344
403	Depreciation Expense		231,311		239,036
408	Taxes Other Than Income		25,503		21,277
408.11	Property Taxes		41,387		63,890
409	Income Tax				
	TOTAL OPERATING EXPENSES	\$	1,160,144	\$	1,168,709
	OPERATING INCOME/(LOSS)	\$	76,538	\$	99.759
	OTHER INCOME/(EXPENSE)			-	
419	Interest and Dividend Income	\$		5	
421	Non-Utility Income			1	
426	Miscellancous Non-Utility Expenses				
427	Interest Expense			1	
	TOTAL OTHER INCOME/(EXPENSE)	\$		\$	
····	NET INCOME/(LOSS)	\$	76,538	\$	99,759

New River Utility Company

SUPPLEMENTAL FINANCIAL DATA Long-Term Debt

	LOAN #1	LOAN #2	LOAN #3	LOAN #4
Date Issued				
Source of Loan				
ACC Decision No.				
Reason for Loan	1/			
Dollar Amount Issued	s / V O	\$7x	\$	\$
Amount Outstanding	\$	\$	\$	\$
Date of Maturity				
Interest Rate	%	%	%	%
Current Year Interest	\$	\$	\$	\$
Current Year Principle	\$	\$	\$	\$

Meter Deposits Refunded During the Test Year \$	Meter Deposit Balance at Test Year End	 \$		
	Meter Deposits Refunded During the Test Year	\$		